



SPRFMO
South Pacific Regional Fisheries Management Organisation

**SPRFMO COMMISSION
12th Annual Meeting Report**

29 January to 02 February 2024



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The Chairpersons of the subsidiary bodies –Ms Katherine Bernal (CTC), Mr Jimmy Villavicencio (FAC), and Dr James Ianelli (SC) are acknowledged for their inputs.



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12TH ANNUAL MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 29 January to 02 February 2024

COMM12 – Report

1. Opening of the Meeting

1. The Chairperson of the Commission, Mr Luis Molledo (European Union), opened the 12th Annual Meeting of the SPRFMO Commission (COMM12) and welcomed all participants to the meeting. He introduced Ms Marciana Valdivieso, Mayor of the City of Manta, and a recorded video from Ms Sonsoles Garcia, Minister of Production, Foreign Trade, Investment and Fisheries of Ecuador, who welcomed and addressed participants with opening remarks. On behalf of the meeting, the Chairperson thanked Ecuador for its welcome and hosting the meeting.

a. Meeting Arrangements

2. The Secretariat provided an overview of the meeting arrangements and facilities.

b. Adoption of the Agenda and Participation

3. **The Commission adopted the Meeting Agenda** (COMM12-Doc01_rev1, Annex 1) without amendments. The list of Participants is contained in Annex 2.
4. The Rapporteur (Mr Jacques Chaumont) was appointed.

c. Meeting Documents

5. The Secretariat introduced the List of Meeting Documents (COMM12-Doc03) including the meeting schedule (COMM12-Doc04_rev1, Annex 3), which was **adopted by the Commission**. All late papers were accepted. The list and meeting schedule were updated throughout the meeting.

2. Membership

a. Status of the Convention

6. New Zealand, as Depository of the SPRFMO Convention, provided an update of the status of the Convention (COMM12-Doc05), noting that there have been no new notifications of ratification, approval or accession since the last Commission Meeting.

3. Scientific Committee (SC)

a. Report of the eleventh meeting of the SC (SC11)

7. The Chairperson of the Scientific Committee (SC), Dr James Ianelli (United States), presented the report and scientific advice of the 11th SC meeting (SC11), held in person in Panama City, Panama, from 11 to 16 September 2023.



8. The Chairperson of the SC noted the following highlights from the SC:
- a. The SC recommended a 15% increase in jack mackerel TAC to a maximum of 1,242 kt. The Chairperson of the SC noted that this was based on the scientific and supported Member-conducted acoustic surveys for stock assessments. It advised that the MSE work can evaluate flexibility in rolling over quota between years. Presently, the SC noted that since the jack mackerel stock is considered to be above B_{MSY} , a 10% rollover of quota forward for one year would be acceptable in the interim. The SC Chair noted that an MSE workshop involving commissioners should occur before the next SC and Commission meeting. It also suggested funding a research project on jack mackerel's spatial distribution and climate impacts. In particular, research on the spatial distribution of jack mackerel in relation to climate change and annual temperature anomalies such as El Niño and La Niña was recommended to continue.
 - b. The SC accepted the Bottom Fishing Impact Assessment by Australia and New Zealand, recommending an update in 2024. It suggested modifying Bottom trawl Management Areas to protect 70% of suitable habitat for each VME indicator taxa as required to implement CMM 03-2023 and advised that orange roughy stocks are unlikely to be impacted by alternating-year catches.
 - c. The SC advised against increases in squid fishing effort levels. It also noted that there is a task group for squid assessments being formed and that this should be coordinated through a common repository accessible to Members. The SC advised that the Commission review observer coverage considering the percentage of vessels sampled and consider the feasibility of Electronic Monitoring for the squid fishery. Members were also advised to continue efforts to improve methods used to derive abundance indices from catch-per-unit-effort data.
 - d. Within the habitat monitoring task, the SC recommended adopting the ICES metadata convention and supported large-scale ecosystem surveys. It advised continuing acoustic data analysis for assessment modelling and developing an inventory of climate-related data for SPRFMO fisheries. An overview of the successful outcome of the symposium (<https://symposiumonhabitatsprfmo.org>) was presented.
 - e. The SC endorsed proposed exploratory fisheries, advised considering stocks affected by fishing for future assessments, and suggested any future targeted fishery for redbait be undertaken as part of an agreed exploratory fishery.
 - f. The SC addressed Climate Change and has included the subject as a permanent agenda item, pursuant to the SPRFMO Commission Decision 13-2023 on Climate Change. The SC also included climate change items in its multiannual workplan. In other matters, the SC supported the continuation of the data working group and recommended that the Commission consider hiring staff dedicated to supporting the SC in its functions.
9. The Commission commended the SC and its Members for their work. Many Members supported the idea of strengthening the capacity of the Secretariat to reinforce the work of the SC through the establishment of a Science Manager position. Many other Members noted that this recommendation should be examined further in the context of the ongoing staffing strategy and budget discussions at COMM12.
10. On the proposed connectivity study for jack mackerel, some Members welcomed the benefits of the study, but some other Members noted the costs associated with it and requested the advice of the SC Chair on the possibility to streamline it or delay its implementation to reduce impact on the budget. The SC Chair responded that it could be delayed and phased over several years, and that the research being conducted for MSE could potentially address connectivity issues to reduce the costs of sampling and data collection.
11. Replying to a question from the Russian Federation on the SC advice for jack mackerel, the SC Chair clarified that the SC recommended for 2024 a 15% increase of the 2023 TAC. He further explained that in 2022, the SC recommendation for 2023 was for a 15% increase but that based on stock status indications, the SC exceptionally agreed that a one-time 20% increase was manageable, but no further analysis has been undertaken on the impact of another 20% increase.



12. On Bottom Fishing items, New Zealand disagreed with the statements made in the SC report recommendations regarding paragraph 19 of CMM 03-2023, notably the reference to the FMAs, which are not referenced in paragraph 19 of CMM 03-2023.
13. Many Members strongly disagreed with New Zealand’s position and noted that the implementation of this paragraph was a decision already agreed by the Commission and there was no justification to prevent its full implementation to refine spatial management to prevent significant adverse impacts on VMEs. They further noted that the recommendation of the SC to adjust the boundaries of the bottom trawl management area was requested by the Commission to achieve the minimum level of 70% of suitable habitat for each modelled VME indicator species and supported all the SC recommendations under sections 5.3 and 5.5.
14. DSCC emphasized the importance of following SC advice, specifically regarding the endorsement of Australia and New Zealand’s Bottom Trawl Management Areas (BTMAs) and the Scientific Committee endorsement of FMAs for assessing and managing impacts on VMEs.
15. HSFG commented that it had presented information at SC11, pointing out that further work was agreed upon and discussed with New Zealand. The current area open to fishing now is 0.1% (with respect to the entire SPRFMO Area), and any additional decrease of this area would be the end of its fishing.
16. On Squid, China questioned the inclusion of an item on observer coverage in the draft SC Workplan and the scientific basis to propose an increase in observer coverage by COMM12-Prop18. China noted COMM12-Prop26 by Ecuador to create a working group to fast-track development of electronic monitoring. The United States affirmed that COMM12-Prop18 was interrelated with the proposed SC work on observer coverage and agreed to come back to this item after discussions on COMM12-Prop18 progress.
17. On Exploratory Fisheries, Russia requested clarifications regarding the evaluation of bycatch levels for various fisheries. The SC Chairperson indicated two elements, one being the issue of incidental catch when targeting specific species (chub mackerel), and the other being the evaluation of opportunistic fishing practices targeting species besides the intended catch. The recommendation from the SC is that any future targeted fishery for redbait should be undertaken as part of an agreed exploratory fishery. The European Union noted the importance of the SC considerations to cover existing gaps and hoped that progress could be achieved on the basis of COMM12-Prop15.
18. **The Commission accepted and endorsed the SC11 report**, with the exception of two recommendations, for which there was no consensus; Section 5.3 (titled *VME Encounters and benthic bycatch* – bullet point two related to “70 percent protection of suitable habitat”) and Section 5.5 (*Advice to the Commission on Deepwater* – bullet point one related to the protection of “70% of suitable habitat for each modelled VME indicator taxon”).

b. 2024 SC Workplan

19. The Chairperson of the SC introduced and highlighted some of the key activities of the 2024 Scientific Committee Multi-Annual Workplan (COMM12-Doc06).
20. During the discussions at the meeting, the workplan was further amended to include activities identified as priorities for the work of the SC by the Commission. The revised workplan was presented to the Commission for its consideration (COMM12-Doc06_rev1).
21. **The Commission adopted the SC Workplan as revised** (COMM12-Doc06_rev1, Annex 4a).
22. Following adoption, New Zealand took the opportunity to share a brief notice relating to Minimising Bycatch of Seabirds in the SPRFMO Convention Area Seabird (CMM 09-2017). In the next month, New Zealand will reach out to all SPRFMO Members about the review of this CMM. New Zealand would work with ACAP and Peru to run an informal intersessional process and discussion at the Scientific Committee meeting this year and would aim for an updated CMM to be adopted by the Commission in 2025.



4. Finance and Administration Committee (FAC)

a. Report of the FAC11

23. The Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador), presented the FAC report and its recommendations. He highlighted that the FAC had been unable to reach a consensus on a number of issues, including the Scientific Support fund and the Secretariat Staffing Strategy.
24. **The Commission adopted the recommendations of the FAC.**
25. **The Commission** discussed the Secretariat Staffing Strategy (FAC11-Doc11_rev2) and **adopted the following decisions:**
 - a. To create a new Science Manager (P2) position but to delay the recruitment to the 2025-26 financial year.
 - b. To maintain the Coordination and Communications Officer (P1) but should the current jobholder be unable to continue in the job, the post shall be redeployed in the General Services category with the same functions.
26. No other changes were applied to the structure of the Secretariat.
27. **The Commission adopted the amendments to the Staff Regulations** (COMM12-Prop01_rev4, Annex 5c) **and agreed to launch the Second Performance Review** (COMM12-Prop02_rev2, Annex 8b).
28. The Chairperson of the Commission informed Members with regret about the decision of the Executive Secretary to not seek renewal after the end of the current term. The Commission agreed to launch the process for the recruitment of a new Executive Secretary and **adopted Decision 05-2024 on the procedure to recruit the Executive Secretary and the vacancy notice for the publication of the post** (COMM12-WP11_rev1, Annex 8a).
29. The Commission thanked Peru for its offer to host the 2024 Scientific Committee meeting in Lima, Peru. The Commission also recognized the offers from the Russian Federation and the Faroe Islands to host the Scientific Committee meeting in 2025 and 2026, respectively.
30. The Commission welcomed the offers from Chile and Panama to host the 2025 and 2026 annual meetings of the Commission, respectively.

a. Budget

31. **The Commission adopted the budget** (COMM12-WP01_rev3, Annex 5a) **and schedule of contributions** (COMM12-WP16, Annex 5b).

5. Compliance and Technical Committee (CTC)

a. Report of the CTC11

32. The Chairperson of the CTC, Ms Katherine Bernal (Chile), presented the report of the CTC11. She highlighted the CTC discussions and corresponding recommendations on proposals to introduce a new decision and to amend existing CMMs, Provisional IUU Vessel List, Provisional Compliance Report, renewal of CNCPs and the implementation reports presented by the Secretariat, including the accreditation of observer programmes.
33. The CTC Chairperson noted that 72 potential issues of compliance were reviewed, and 71 were assigned a compliance status, including two cases assigned “Priority Non-Compliant” requiring further action.
34. The CTC recommendations to the Commission include:
 - a. the granting of accreditation to the European Union’s Observer Programme;
 - b. discussing the extension of contract of the current Observer Programme Accreditation Evaluator or the possibility of an alternative provider;



- c. the adoption of two proposals for new CMMs:
 - i. Proposed CMM for a new Exploratory Toothfish Fishery (European Union),
 - ii. Proposed CMM for a new Exploratory Toothfish Fishery (Australia).
 - d. seeking advice on items to discuss under the Climate Change agenda next year.
35. **The Commission accepted the CTC11 Report and adopted all its recommendations.**
- b. Final Compliance Report*
36. The CTC Chairperson presented the Provisional Compliance Report (COMM12-WP06), noting that the report included one outstanding for the Russian Federation issue pertaining to on to CMM 13-2021 (Exploratory Fisheries) for the past three reporting periods, for which the CTC was unable to reach consensus on and was forwarded to the Commission for consideration.
37. The Russian Federation stated that its status should be “Not Assessed” and reiterated the importance of relying on information provided by the Secretariat for accurate data on established fisheries and raised concerns about difficulties in determining catch composition during midwater trawl fishing. The Russian Federation also noted the need for more specific rules on bycatch with a strong scientific basis. China supported the view of the Russian Federation that this issue should be assigned a compliance status of “Not Assessed.”
38. Many Members stated that the issue should be assigned a compliance status of “Priority Non-Compliant” and noted their view that the vessel had fished for Alfonsino and redbait without authorization, in an action of opportunistic fishing beyond the targeted jack mackerel species. In the 2023 Commission meeting, a similar situation with the redbait fishery resulted in a compliance status of “Not Assessed” due to action based on information provided by the Secretariat to the Russian Federation, but the catches occurred in 2020, before advice was received. Based on this, the relevant Members viewed it as appropriate to assign a compliance status of “Priority Non-Compliant.”
39. The Chairperson concluded that the Commission was unable to reach a consensus on this matter and proposed to consider the matter as “No consensus.” The Chairperson of the Commission noted that this was an extraordinary case in view of the lack of alternative options for a resolution, not to be taken as a precedent and encouraged Members to strive for agreement for future cases.
40. **The Commission adopted the Final Compliance Report** (COMM12-WP15, Annex 6a).
- c. 2023 IUU Vessel List*
41. The Chairperson of the CTC presented the Provisional IUU Vessel List (COMM12-WP06) and explained that the there was no consensus to remove the one vessel in the Draft IUU Vessel list and it was therefore retained on the Provisional IUU Vessel List.
42. The Russian Federation, supported by China, reiterated that there was no basis to include its vessel in the Final IUU Vessel List and that the vessel *Admiral Shabalin* was operating under a valid fishing authorisation from the Russian Federation to fish for jack mackerel and redbait.
43. Some Members noted that no new information justifying the removal of the vessel from the list was presented, and that the discussion was no longer about redbait, but the Alfonsino catches for which the vessel engaged in an opportunistic fishery in contravention with CMM 13-2021. They also noted that the SC advice has confirmed that the catches of the vessel are not consistent with a targeted jack mackerel fishery.
44. **The Commission did not endorse the Provisional IUU Vessel List and adopted the 2024 Final IUU Vessel List, which contains no new vessels.**



d. Status of Cooperating non-Contracting Parties (CNCs)

45. The CTC assessed the applications from two existing CNCs, Curaçao and Liberia, for CNC status and recommended its renewal to the Commission.
46. **The Commission accepted and renewed the CNC status for Curaçao and Liberia.**

e. Observer Programme Accreditation

47. The Commission acknowledged the situation by which the contract with the observer provider has expired and a decision needs to be taken about whether to renew it or seek an alternative provider. Currently there are two programmes ongoing for which the accreditation assessment has not been completed. In addition to that, the observer accreditation provider has communicated to the Secretariat their inability to assess the Russian Federation's observer programme due to restrictions applicable from the national legislation in place.
48. The Commission agreed to the following:
- To task the Secretariat to seek confirmation from the observer accreditation provider that no exceptions could be considered by the provider to assess the Russian Federation's programme.**
 - Following said confirmation, the Secretariat will launch a tender to select a provider able to assess programmes from all Members but limited to a single assessment for one Member. The Commission adopted the terms of reference for the tender (COMM12-WP13, Annex 6c) and the call for proposals (COMM12-WP14_rev1, Annex 6d).**
49. **For the rest of the programmes and Members, the Commission tasked the Secretariat to negotiate the current renewal of the contract with the service provider.**

6. Conservation and Management Measures (CMMs)

a. Amendments to current CMMs and/or decisions

a1. SPRFMO Staff Regulations (SEC)

50. The Secretariat introduced its proposal (COMM12-Prop01_rev1) to amend the SPRFMO Staff Regulations, which seeks to further align the Staff Regulations with New Zealand law and general best practice, and, as appropriate, further the SPRFMO Staff Regulations with general RFMO practices and the UN Common System of Salaries and remove some of the unnecessary inequalities that exist between General and Professional Staff.
51. **The Commission adopted the amendments to the SPRFMO Staff Regulations (COMM12-Prop01_rev4, Annex 5c).**

a2. CMM 01 Trachurus murphyi (BLZ)

a3. CMM 01 Trachurus murphyi (CHL)

a4. CMM 01 Trachurus murphyi (EU)

a5. CMM 01 Trachurus murphyi (RUS)

a6. CMM 01 Trachurus murphyi (VUT)

52. The proponents presented their proposals on *Trachurus murphyi* for which many Members expressed the desire to reach a consensus on this matter. Chile recalled that its proposal reflects the fact that the Review Panel did not recommend revisiting the entire negotiation. The European Union noted that its proposal addresses the question of similarly situated Members.
53. A working group (WG) convened on the matters relating to jack mackerel and held five sessions. The Chair of the WG, Mr Tony Zuanich (Vanuatu), reported to the Commission on the developments in each of the five sessions (Annex 9a).
54. Belize, Peru, and Vanuatu provided statements regarding the negotiations and outcomes regarding jack mackerel, to be reflected in the Commission report (Annexes 10a to 10c).



55. **The Commission adopted the Chair’s proposal** (COMM12-WP18, Annex 7a).
56. The Commission recognises that this measure is the result of a transparent and inclusive process, in which Members had adequate time for debate and decision-making.

a7. CMM 03 Bottom Fishing (AUS)

57. Australia introduced its proposal (COMM12-Prop10) to amend CMM 03-2023 on Bottom Fishing. This proposal seeks to apply a minimum 70% protection of suitable habitat for each modelled vulnerable marine ecosystem (VME) indicator taxa from 2024, implementing the Commission’s obligations under paragraph 19 of CMM 03-2023, and taking into account the advice and recommendations of SC11.
58. Many Members emphasised the importance of fulfilling the Commission’s obligations and highlighted the fact that CMM 03-2023 was agreed by consensus during the previous annual meeting. Those Members reiterated that paragraph 19 of CMM 03-2023 is clear and unambiguous regarding the Commission’s obligations, and derogating from this would require consensus from the Commission to amend the protection thresholds in CMM 03-2023, which was not proposed to the Commission.
59. New Zealand noted that it was unable to support this proposal at this Commission Meeting, as it needed more time for its new government to understand the implications of this proposal and to undertake consultations with stakeholders. New Zealand disagreed with the characterisation of the proposed amendments as a mechanical change. New Zealand noted that the proposal would dramatically decrease the areas open for bottom trawling by 47%, to 0.05% of the Convention Area. New Zealand noted that bottom trawling under this CMM requires 100% observer coverage, has an encounter protocol that includes a move-on rule, and additional area closures.
60. New Zealand disagreed with the interpretation of paragraph 19 and CMM 03-2023 expressed by many Members.
61. The Faroe Islands expressed support for New Zealand’s position in its entirety.
62. Many Members expressed disappointment with the objections raised by New Zealand, reiterating the importance of ensuring that the Commission implements its existing obligations regarding bottom fishing. The United States emphasised that all Members experience changes in government, but that fact cannot undermine decisions the Commission has already taken.
63. Australia noted that, in its view, the decision made at SC11 to establish 70% protection thresholds for VME indicator taxa continues to be an appropriate decision that is precautionary, provides for sustainable fishing and is consistent with UN General Assembly Resolutions, the Fish Stocks Agreement, and the SPRFMO Convention.
64. New Zealand noted that the Commission already takes a highly precautionary approach to bottom trawling.
65. HSFG shared a statement (Annex 10d) in opposition to Australia’s proposal.
66. DSCC shared a statement (Annex 10e) on the blocking of this proposal by some Members.
67. **The Commission did not adopt the proposal (COMM12-Prop10) from Australia.**

a8. CMM 03a Deepwater species (NZL)

68. New Zealand introduced its proposal (COMM12-Prop11_rev2) on deepwater species. Following advice from the SC which stated that orange roughy stock status is very unlikely to be impacted by taking accumulated catches in alternating years, this proposal seeks to increase the size of the unused allocation of orange roughy catch able to be carried forward to subsequent years, with an increase from 10% of the TAC to 100%. In the proposal, multi-year accumulation of catch is also permitted for up to two years of unused catch.



69. Many Members expressed concern about the precedent this proposal would set, and its biological impacts on non-target species and the wider ecosystem, which have not been assessed. They also considered that the proposal was linked to COMM12-Prop10, noting the links between CMM 03 and CMM 03a, the uncertainty highlighted in the SC's recommendations on this proposal related to VME indicator taxa and progress on this proposal was subject to progress on the other. The Faroe Islands expressed that having felt the negative impacts of small percentage of carry-over themselves, it could support New Zealand's proposal.
70. New Zealand noted the broad range of VME protection contained in the CMM 03-2023 and that when the TAC was reduced from approximately 2,000 tonnes to approximately 1,000 tonnes in 2023, the fishing footprint was not taken into consideration in the advice from SC nor discussed at Commission.
71. New Zealand disagreed that this set any kind of precedent. New Zealand noted that measures developed in this RFMO are not required to be adopted in any other RFMO without the consensus of its Members.
72. **The Commission did not adopt the proposal (COMM12-Prop11_rev3) from New Zealand.**
- a9. CMM 04 IUU Vessel List (NZL)*
73. New Zealand introduced its proposal (COMM12-Prop12_rev3) to amend CMM 04 on the IUU Vessel List. This proposal adds a section titled "Additional Obligations," under which paragraph 30 prohibits Members and CNCPs from granting or maintaining subsidies to vessels or operators that are placed on the IUU Vessel List.
74. Some Members expressed concerns with the proposed language around vessel operators and owners, and the necessity of language on determinations of IUU fishing not being made unilaterally by a Member or CNCP.
75. In view of the comments received, and other assignments for COMM12, New Zealand withdrew the proposal.
- a10. CMM 07 Port Inspections (ECU)*
76. Ecuador introduced its proposal (COMM12-Prop13) to amend CMM 07 on port inspections. Ecuador acknowledged that its proposal seeks to address similar issues to other proposals, such as the proposal on transshipment.
- a11. CMM 12 Transshipment (USA-NZL)*
77. The Commission discussed the proposal from the United States of America and New Zealand (COMM12-Prop14_rev1) to amend CMM 12 on transshipment. This proposal seeks to address the lack of data collection and monitoring of transshipments in the Convention Area.
78. Following several discussions, including on the timeframe for transshipment notifications, the proponents introduced subsequent revisions of the proposal.
79. **The Commission adopted COMM12-Prop14_rev3 (Annex 7b).**
- a12. CMM 13 Exploratory Fisheries (NZL)*
80. New Zealand introduced its proposal (COMM12-Prop15) to amend CMM 13 on exploratory fisheries. This proposal seeks to provide more clarity for Members and the operators and crew of their fishing vessels as to what constitutes an authorised or an exploratory fishery.
81. The proposal underwent subsequent revisions to reflect concerns from Members about the scientific basis of bycatch levels proposed in the Annex, the definition of a directed fishery, and the interaction with the species CMMs.
82. **The Commission adopted COMM12- Prop15_rev3 (Annex 7c).**
- A13. CMM 14b Potting (COK)*
83. The Cook Islands introduced its proposal (COMM12-Prop16_rev2) to amend CMM 14b on potting. This proposal seeks to respond to changes in the fishery under pre-agreed rules within the CMM and extend the exploratory fishing end date to allow for the evaluation of the fishery replenishment as requested by the SC.
84. The proposal was revised to address questions from some Members concerning the reference in the preamble to the proposal from Chile to protect the Salas y Gomez and Nazca ridges.



85. **The Commission adopted COMM12-Prop16_rev5** (Annex 7d).

a14. CMM 16 Observer Programme (RUS)

86. The Russian Federation introduced its proposal (COMM12-Prop17_rev2) to amend CMM 16 to address the current situation by which the current service provider is unable to accredit their scientific observer programme. The proposal requires a new Decision of the Commission to designate an alternative SPRFMO OP Accreditation Evaluator no later than at its 13th annual meeting. Members and CNCPs may continue using their own non-accredited national observer programme or service provider to meet observer coverage requirements until 31 December 2026.

87. **The Commission adopted COMM12-Prop17_rev2** (Annex 7e).

a15. CMM 18 Squid (USA-NZL)

88. The United States of America and New Zealand introduced a joint proposal (COMM12-Prop18_rev1) to amend CMM 18 on squid. The proposal seeks to promote the long-term conservation and sustainable use of the squid stocks in the Convention Area by improving the collection of scientific and compliance data through an increased level of observer coverage in the squid fishery.

89. The proposal underwent subsequent revisions to address questions from Members.

90. Chinese Taipei stated its view on the importance of a balanced coverage level between the electronic monitoring (EM) and human observer, noting that although EM could be a potential complementary means to human observer coverage, the WG of EM was just established during this meeting and still needs to develop the standards of EM, as well as the concern of the current techniques in reviewing and analysing the EM footage.

91. **The Commission adopted COMM12-Prop18_rev4** (Annex 7f).

b. Proposals for New CMMs and/or Decisions

b1. Proposed decision for a WG on the use of Spanish and English (ECU)

92. The Commission addressed the proposal from Ecuador (COMM12-Prop03) to gradually advance in the implementation of the use of Spanish language in the work of the Commission, noting the most immediate need relating to the use of Spanish interpretation in the Commission, Scientific and subsidiary bodies meetings, and translation of important materials into Spanish.

93. Many Members expressed their support for Ecuador's proposal, noting the importance of inclusivity and effective participation and representation of Members.

94. Some Members expressed disagreement with this proposal, noting that based on the Convention and Rules of Procedure, the sole official language of the Commission is English, and therefore those Members could not support addition of language-related costs in the regular budget. Some Members also expressed that languages spoken by Members, besides Spanish, should also be considered within this context for the fairness of all non-native English speakers.

95. **The Commission did not adopt the proposal (COMM12-Prop03) from Ecuador.**

b2. Proposed decision on the participation of Observers (ECU)

96. The Commission discussed the proposal from Ecuador (COMM12-Prop04) to introduce observer fees for participants attending SPRFMO meetings, which draws inspiration from successful practices employed by other RFMOs.

97. Following informal discussions, Ecuador withdrew its proposal and noted that it hopes to progress work on this issue intersessionally and may present a revised proposal with additional information next year.



b3. Proposed CMM for a Squid Research Area (ECU)

98. The Commission discussed the proposal from Ecuador (COMM12-Prop19) seeking to establish an “area of concern” for research and management of squid in the Convention area, to improve data collection, research, and management of squid while ensuring SPRFMO’s compliance with capacity limits and conservation objectives.
99. Some Members questioned the proposed area of concern, seeking scientific justification for it.
100. Ecuador expressed its intention to submit a proposal for consideration by the SC.

b4. Proposed CMM to protect the Salas y Gomez and Nazca ridges (CHL)

101. The Commission addressed the proposal from Chile (COMM12-Prop20_rev2) to protect the Salas y Gómez and Nazca Ridges ecosystem in the southeastern portion of the Convention Area through a fishing closure, integrating a precautionary and ecosystem-based approach to reduce impacts of fishing and climate change on the ecosystem.
102. Many Members welcomed the proposal but the need for more supporting information, such as scientific justification for establishing an MPA and support of the SC before a final decision could be made.
103. Following discussions, Chile presented subsequent revised versions to address the questions raised by Members notably to turn the CMM into a Decision to include the Salas y Gomez and Nazca ridges as an agenda item in the SC. Many Members welcomed the amendments and the efforts made by Chile to address concerns expressed and supported the revised proposal.
104. Peru did not question the objectives of the revised proposal but argued that it did not respect the institutional processes within the Commission and its subsidiary groups for decision-making. After further consideration, Peru suggested a revision to the preambular text and paragraph 1, and other Members agreed with the final revised version.
105. **The Commission adopted the Decision proposal (COMM12-Prop20_rev7) from Chile** (Annex 8c).

b5. Proposed CMM for a new Exploratory Toothfish Fishery (EU)

106. The European Union put forward its proposal (COMM12-Prop21) for an exploratory fishing campaign for toothfish in the SPRFMO Convention Area for the period 2024-2026.
107. **The Commission adopted COMM12-Prop21** (Annex 7g).

b6. Proposed CMM for a new Exploratory Toothfish Fishery (AUS)

108. Australia put forward its proposal (COMM12-Prop22_rev1) for exploratory fishing for Patagonian toothfish and Antarctic toothfish in the Macquarie Ridge Continuation Research Block in the SPRFMO Convention Area for up to three years.
109. **The Commission adopted COMM12-Prop22_rev1** (Annex 7h).

b7. Proposed CMM for a new Exploratory Hapuka Fishery (COK)

110. The Cook Islands put forward its proposal (COMM12-Prop23_rev1) for exploratory dropline and/or jig fishing for *Polyprion oxygeneios*, hapuka, to be undertaken as an adjunct to the ongoing Cook Islands lobster trap fishing, to allow the evaluation of the long-term fishery potential for this species in the Convention Area.
111. The proposal was revised to address questions from some Members concerning the reference in the preamble to the proposal from Chile to protect the Salas y Gomez and Nazca ridges.
112. **The Commission adopted COMM12-Prop23_rev2** (Annex 7i).



b8. Proposed CMM on Labour Standards (NZL-USA-AUS)

113. New Zealand, the United States, and Australia put forward a joint proposal (COMM12-Prop24_rev1) to establish basic guidelines for the safety and fair treatment of crew members on Members' fishing vessels operating in the SPRFMO Convention Area. Members and CNCs are encouraged to ensure that they have appropriate national legislation to establish minimum standards regulating crew conditions that are consistent with international minimum standards.
114. The International Labour Organisation made a Statement (Annex 10f)
115. The proposal was revised to address requests from Members that it will be made in form of a Decision as opposed to a CMM.
116. **The Commission adopted Decision COMM12-Prop24_rev2** (Annex 8d).

b9. Proposed Decision to create a WG on Labour Standards (ECU)

117. The Commission discussed a proposal from Ecuador (COMM12-Prop25) seeking to establish a working group on labour standards.
118. Noting the adoption of Decision COMM12-Prop24_rev2, Ecuador withdrew its proposal and encouraged Members to continue working on matters on the important issue of labour standards.

b10. Proposed Decision to create a WG on Surveillance and Monitoring (ECU)

119. Ecuador put forward its revised proposal (COMM12-Prop26_rev1) seeking to establish a WG to enhance and optimize monitoring systems for fishing vessels in the Convention Area, primarily through development of data standards for electronic monitoring technologies.
120. Based upon discussions at the CTC, Ecuador amended its proposal to focus on electronic monitoring.
121. **The Commission adopted the proposal COMM12-Prop26_rev2** (Annex 9b).
122. The Commission accepted the nominations of Colin Brinkman (United States) and Guillermo Moran (Ecuador) as the two co-Chairs of the Working Group.

c. Implications of the 2023 Objection to CMM 01-2023

123. The European Union highlighted the importance of having a common understanding of the findings of the Review Panel and stressed that the Review Panel found that the jack mackerel allocation adopted last year is not inconsistent with the provisions of the Convention or other international law UNCLOS or UNFSA. The Review Panel found that there was unjustifiable procedural discrimination against the objecting member on the basis that "insufficient attention had been given to ideas of interest to the objecting member and similarly situated members". The Commission is required to revisit the allocation adopted last year as the alternative recommendation was meant for the short term not an arrangement for the entire duration period. Incorporating the alternative recommendation to Russia as the only amendment to CMM 01-2023 would result in not keeping with the outcome of the panel concerning "similarly situated members" and cause discrimination. The proposal submitted by the European Union (COMM-12-Prop07) is fully consistent with the Recommendations of the Review Panel.
124. New Zealand supported the European Union in considering that the Review Panel did not find issues of substance, rather finding unjustified procedural discrimination in paragraph 135. New Zealand supports a comprehensive process to reduce the chance of having any objections, including the need to give full consideration to Article 21 of the Convention in the allocation proposals submitted to COMM12.
125. Chile highlighted that the allocation agreed in 2023 was consistent with the Convention and other relevant legal frameworks. The Review Panel did not recommend revisiting the entire negotiation, nor does it suggest that the Commission must re-start the entire process. SPRFMO should avoid having a discussion of matters that go beyond the scope of the Review Panel's Recommendations. A quick simple solution was preferable as proposed by COMM12-Prop06 submitted by Chile.



126. China supported the launching of an objection by Russia and disagreed with the approach taken by COMM12-Prop06 as COMM12-Prop07 was more comprehensive.
127. Vanuatu noted that one of the findings of the Review Panel was that CMM 01-2023 was not inconsistent with Article 21 of the Convention and that the period of the negotiation of the CMM was short compared to the long duration of the agreement. There was an implication that a shorter duration agreement would be more appropriate. However, Vanuatu highlighted that it is important to recognize that each allocation is built upon a previous allocation and for the last 10 years SPRFMO has built a large body of work on this matter. CMM 01-2023 is not a stand-alone CMM but the continuation of this process. Vanuatu supported the EU that CMM 01-2023 should be revised to address not just the objecting Members but also similarly situated members.
128. Peru supported that the Review Panel entailed a revision of the situation of similarly situated Members. Peru noted paragraph 14 of the Review Panel that aims at taking a step towards approaching this subject matter from a comprehensive perspective, something that is not possible to cover given the way in which the COMM meetings are held. Peru proposed to establish a Working Group (WG) to develop criteria for allocation and the quota share. The creation of this WG will be consistent with Article 21 and a step to reach a fairer, equitable, transparent agreement in relation to allocation of jack mackerel.
129. Russia agreed with the Review Panel finding and underlined that the findings show discrimination against Russia. Proposal COMM12-Prop08 is based on CMM 01-2023 as some Members agreed with CMM 01-2023 it is unnecessary to review the entire CMM. A consistent approach is needed. Rather than establishing a Working Group on allocation, it is more relevant to translate the findings of the Review Panel into the jack mackerel proposal submitted to COMM12.
130. Some Members saw merit in further discussing allocation criteria but had reservations about the establishment of a Working Group, including regarding the fact that they considered that in view of the relevance of the subject, terms of reference will be needed for prior consideration by the Commission.
131. The Chairperson of the Commission welcomed the exchanges. He also noted the lack of agreement on the matter of the WG and invited Members supporting establishment of a WG on allocation criteria to work in this direction, including through a proposal on the terms of reference of the WG for consideration by COMM13.

7. 2nd SPRFMO Performance Review

132. The Secretariat presented a proposal (COMM12-Prop02) on the second Performance Review of SPRFMO. The second Performance Review will build on the findings of the first one and concentrate its efforts on key areas. The findings of the Review Panel will be considered by the 2025 annual meetings of the Commission and its subsidiary bodies.
133. The Commission expressed gratitude to the European Union for its offer to provide a voluntary contribution to cover costs associated with the performance review.
134. **The Commission adopted the proposal COMM12-Prop02_rev2 (Annex 8b).**

8. Climate Change

135. The Commission recognised the importance of this agenda item and agreed to the following recommendations raised by Members:
 - a. The development by the Habitat Monitoring WG of the SC of an inventory of available climate data and models for SPRFMO fisheries to identify existing resources and gaps in knowledge to better understand and predict climate impacts on fish stocks.
 - b. Continued inclusion of climate change as a permanent point on the agenda of the CTC, SC, and the Commission.
 - c. The consideration by the CTC of the possible impacts of climate change on compliance with existing CMMs.



- d. The collation of advice from the SC and the CTC, and decisions or considerations of the Commission, on climate change in a single location on the SPRFMO website.
 - e. The Commission consider regional approaches to climate change-related issues and explore cooperative opportunities with other relevant regional organizations, such as the Permanent Commission of the South Pacific (CPPS), to provide valuable data relevant to understanding and managing climate change impacts on SPRFMO fisheries.
136. ECO NZ and DSCC supported a precautionary approach using the best available science to set catch limits, considering the uncertainty of climate impacts, and to adopt the Chilean proposal for protecting vulnerable ecosystems of the Salas y Gómez and Nazca ridges (Annex 10g).
 137. The Environmental Defense Fund (EDF) made a Statement (Annex 10h) highlighting the need to conduct intersessional activities reviewing climate impact, incorporating climate and ecosystem considerations into CMMs, and developing monitoring programs. The EDF also committed in-kind support relating to advancing the effort of integrating climate change work into SPRFMO.
 138. The UN Division for Ocean Affairs and the Law of the Sea (DOALOS) notified that the upcoming 17th Informal consultations of States Parties (ICSP) will focus its discussions on the topic of “Sustainable fisheries management in the face of climate change,” making it a valuable platform for further exploring and discussing crucial issues related to climate change and impacts on fisheries management.

9. Cooperation Priorities

a. Report on Arrangements and MoUs

139. The Secretariat presented the Report on Arrangements and Memoranda of Understanding (MoU) (COMM12-Doc07) updating the eight arrangements and/or MoUs SPRFMO has in place as well as the three separate agreements to promote cooperation and the effective functioning of the Secretariat.
140. The Commission noted the report, specifically the newly signed MoU with the NPFC and thanked the Secretariat for the active engagement and contact with other organisations on matters relevant to SPRFMO.
141. **The Commission agreed to support the renewal of the MoU with WCPFC and noted that the removal of the expiry clause brings it in line with other relevant MoUs and this is an area of cooperation the Commission wishes to continue.**

b. External cooperation engagements

142. The Secretariat provided a summary of the external projects and cooperation agreements as outlined in COMM12-Doc07. The Secretariat noted that there were two information papers (COMM12-Inf02, COMM12-Inf03_rev1) available to the meeting that provided updates on the FAO Common Oceans Projects, of which SPRFMO is a partner.

10. Office Holders

a. Election of Commission Chairperson and Vice-Chairperson

143. The Commission thanked Mr Luis Molledo (European Union) for his hard work serving as Chairperson of the Commission for the past three years.
144. The Commission elected Ms Jung-re Riley Kim (Korea) as the new Chairperson of the Commission and confirmed that Ms Alexa Cole (United States) would continue in her position as Vice-Chairperson of the Commission.



b. Election of Subsidiary Bodies' Chairperson and Vice-Chairperson

145. The Commission thanked Ms Katherine Bernal (Chile) for her endeavours and dedication as a Chairperson of the CTC for the past two years.
146. The Commission confirmed the election of Ms Rebeca Espinoza (Ecuador) as the new Chairperson of the CTC, and Ms Elizabeth O'Sullivan (United States) as the new Vice-Chairperson of the CTC.
147. The Commission confirmed that the Chairperson of the FAC, Mr Jimmy Villavicencio (Ecuador), will continue to serve in his position for another year. The Vice-Chairperson of the FAC, Mr Andres Couve (Chile), was re-elected to serve another term.
148. The Commission thanked Dr Jim Ianelli (United States) for his leadership, legacy and achievements serving as Chairperson of the SC for over a decade.
149. The Commission elected Dr Ricardo Oliveros-Ramos (Peru) as the new Chairperson of the SC, and Mr Ignacio Payá (Chile) as the Vice-Chairperson of the SC.

c. Executive Secretary

150. **The Commission adopted the proposal COMM12-WP11_rev1 (Annex 8a) and the associated vacancy announcement.**

11. Arrangements for Future Meetings

151. Regarding venues for the next meetings of the Commission, the Commission welcomed and accepted Chile's offer to host the 2025 Annual Meetings (COMM13, FAC12, CTC12) from 11 to 21 February 2025. The Commission also welcomed and accepted Panama's offer to host the 2026 Annual Meetings.
152. Regarding venues for the next annual meetings of the SC, the Commission welcomed and accepted Peru's offer to host the 2024 meeting of the SC from 30 September to 5 October. The Commission also welcomed the offers from the Russian Federation and the Faroe Islands to host the 2025 and 2026 meetings of the SC, respectively, subject to further confirmation.

12. Other Matters

153. The Chairperson of the SC recalled the jack mackerel MSE workshop that took place on 27 January 2024. A report has been circulated to Members.
154. Tonga and CALAMASUR made statements on the floor, which were shared in Annex 10 (Annexes 10i and 10j).

13. Adoption of the Commission Report

155. **The Commission adopted its meeting report on 2 February 2024 at 05:04pm Ecuador Time (ECT).**

14. Close of the Meeting

156. The 12th Commission Meeting was closed on 2 February 2024 at 05:12pm in Manta, Ecuador.